

control features is to deny access by the inmate or the party he/she is calling (the “consumer” under the Commission’s rules, who might also be an accomplice of the inmate) to a live outside line. Thus, this “solution” would totally undermine one of the fundamental “cures” built into the ICCS themselves.

Since U S WEST does not believe that either of the alternatives proposed above is a feasible one, we ask that the Commission simply vacate the extension of its aggregator rules to inmate-calling contexts. The matter of excessive rates complaints should be resolved on a case-by-case basis where the facts can be fully explored and the remedy appropriate to those specific facts can be crafted.

VI. CONCLUSION

For the above reasons, U S WEST asks that the Commission clarify that its Order does not apply to LECs. Alternatively, the Commission should request additional information from potentially-affected LECs regarding the amount of interstate traffic they process and the estimated costs of compliance with the Commission’s Order. We believe that the information provided to the Commission by other LECs will only make obvious that the costs of compliance with respect to interstate traffic far outweigh the expected benefits.

We urge the Commission to engage in the above actions expeditiously. Given the substantial costs associated with compliance with the Commission’s Order, it would be imprudent for a LEC to begin expending the sums prior to such a

³⁰ The Commission acknowledged that inmate-calling systems involved “special security requirements applicable to inmate calls.” Order ¶ 57.

Commission clarification.

Should the Commission ultimately determine that LECs are required to provide the mandated rate disclosures on interstate traffic, the Commission should grant an additional six months from the date of such decision for LECs to bring their systems and operations into compliance with the Commission's mandates.

Additionally, the Commission should clarify that the only surcharges that need to be incorporated into an OSP/carrier's tariffs are those involving contractual agreements between the OSP and the aggregator where the surcharges are collected by the OSP. The Commission should conform its rule Section 64.709 accordingly.

The Commission should also amend its rules to permit OSPs to provide rate quotations either orally or visually. Finally, the Commission should vacate its rules to the extent they impose, for the first time, aggregator-type obligations on service providers serving penal institutions. The costs of accommodating such requirements will clearly outweigh the societal or public interest benefits. The

matter of "excessive charges" associated with inmate calling should be resolved on a case-by-case basis.

Respectfully submitted,

U S WEST, INC.

By: Kathryn Marie Krause
Kathryn Marie Krause
Suite 700
1020 19th Street, N.W.
Washington, DC 20036
(303) 672-2859

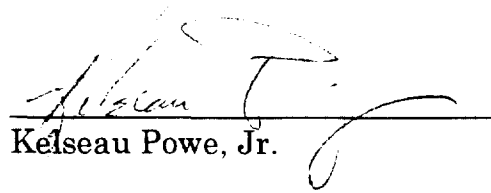
Its Attorney

Of Counsel,
Dan L. Poole

April 9, 1998

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 9th day of April, 1998, I have caused a copy of the foregoing **PETITION FOR CLARIFICATION OR WAIVER OR, IN THE ALTERNATIVE, FOR CLARIFICATION AND RECONSIDERATION OF U S WEST, INC.** to be served, via hand delivery, upon the persons listed on the attached service list.


Kelseau Powe, Jr.

William E. Kennard
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, DC 20554

Gloria Tristani
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, DC 20554

Michael K. Powell
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, DC 20554

Harold Furchtgott-Roth
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, DC 20554

Susan P. Ness
Federal Communications Commission
Room 832
1919 M Street, N.W.
Washington, DC 20554


A. Richard Metzger, Jr.
Federal Communications Commission
Room 500
1919 M Street, N.W.
Washington, DC 20554

Robert W. Spangler
Federal Communications Commission
Room 6010
2025 M Street, N.W.
Washington, DC 20554

International Transcription
Services, Inc.
1231 20th Street, N.W.
Washington, DC 20036

CERTIFICATE OF SERVICE

I, Rebecca Ward, do hereby certify that on this 30th day of April, 1998, I have caused a copy of the foregoing **LETTER** to be served, via first-class United State Mail, postage pre-paid, upon the persons listed on the attached service list.


Rebecca Ward

*Served via hand delivery

(CC9277#9-cos)

*William E. Kennard
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, DC 20554

*Gloria Tristani
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, DC 20554

*Michael K. Powell
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, DC 20554

*Harold Furchtgott-Roth
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, DC 20554

*Susan P. Ness
Federal Communications Commission
Room 832
1919 M Street, N.W.
Washington, DC 20554

*A. Richard Metzger, Jr.
Federal Communications Commission
Room 500
1919 M Street, N.W.
Washington, DC 20554

*Robert W. Spangler
Federal Communications Commission
Room 6008
2025 M Street, N.W.
Washington, DC 20554

*Adrien R. Auger
Federal Communications Commission
Room 6334
2025 M Street, N.W.
Washington, DC 20554

(2 Copies)

*International Transcription
Services, Inc.
1231 20th Street, N.W.
Washington, DC 20036

Gary L. Phillips
Ameritech
Suite 1020
1401 H Street, N.W.
Washington, DC 20005

Eric L. Bernthal
Michael S. Wroblewski
Latham & Watkins
Suite 1300
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2505

PEOPLES

Bruce W. Renard
Peoples Telephone Company, Inc.
2300 N.W. 89th Place
Miami, FL 33172

B. Reid Presson, Jr.
Intellicall, Inc.
Suite 410
2155 Chenault
Carrollton, TX 75006

Robert M. Lynch
Durward D. Dupre
Mary W. Marks
J. Paul Walters, Jr.
Southwestern Bell Telephone Company
Room 3023
One Bell Plaza
San Antonio, TX 75202

C. Douglas McKeever
InVision Telecom, Inc.
Suite 118
1150 Northmeadow Parkway
Roswell, GA 30076

Albert H. Kramer
Robert F. Aldrich
Dickstein, Shapiro, Morin
& Oshinsky, LLP
Suite 800
2101 L Street, N.W.
Washington, DC 20037-1526
(2 Copies)

INMATE CSPC
APCC

Leon M. Kestenbaum
Jay C. Keithley
H. Richard Juhnke
Sprint Communications Company, Inc.
Suite 1100
1850 M Street, N.W.
Washington, DC 20036

Ian D. Volner
N. Frank Wiggins
Venable, Baetjer, Howard
& Civiletti, LLP
Suite 1000
1201 New York Avenue, N.W.
Washington, DC 20005

MWAA

Naomi Klaus
Metropolitan Washington Airports
Authority
44 Canal Center Plaza
Alexandria, VA 22314

Danny E. Adams
Steven A. Augustino
Brad E. Mutschelknaus
Kelley, Drye & Warren, LLP
Suite 500
1200 19th Street, N.W.
Washington, DC 20036
(2 Copies)

CTA
AMNEX

Genevieve Morelli
Competitive Telecommunications
Association
Suite 800
1900 M Street, N.W.
Washington, DC 20036-3508

George F. Lebus
U.S. Osiris Corporation
Suite 212
8828 Stemmons Freeway
Dallas, TX 75247

Randall B. Lowe
Victoria A. Schlesinger
Piper & Marbury, LLP
7th Floor
1200 19th Street, N.W.
Washington, DC 20036

ONECALL

Kenneth F. Melley, Jr.
U.S. Long Distance, Inc.
Suite 100
9311 San Pedro
San Antonio, TX 78216

Mary J. Sisak
Donald J. Elardo
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Amy S. Gross
American Network Exchange, Inc.
Suite 100
100 West Lucerne Circle
Orlando, FL 32801-4400

John M. Goodman
Bell Atlantic Telephone Companies
1133 20th Street, N.W.
Washington, DC 20036

M. Robert Sutherland
Theodore R. Kingsley
BellSouth Corporation
Suite 1800
1155 Peachtree Street, N.E.
Atlanta, GA 30309-2641

William J. Balcerski
NYNEX Telephone Companies
1111 Westchester Avenue
White Plains, NY 10604

Peter Arth, Jr.
Edward W. O'Neill
Patrick S. Berdge
Public Utilities Commission
of the State of California
505 Van Ness Avenue
San Francisco, CA 94102

Les Barnett
Omniphone
POB 8739
Mobile, AL 36689

Mitchell F. Brecher
Fleischman and Walsh, LLP
Suite 600
1400 16th Street, N.W.
Washington, DC 20036

(CC9277-#9)
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